

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
ALFREDO NIEVES,

Plaintiff,

vs.

JUSTIN J. ERVIN and PARTY RENTALS  
4U, LLC,

Defendants.  
\_\_\_\_\_

X

Index No.:

Civil Action

Plaintiff designates Bronx County  
as place of trial

Basis of venue is place of accident and  
place of residence of plaintiff (both  
reside in Bronx, NY)

SUMMONS

X

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served within this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer; judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 15, 2022



ALEXANDER UMANSKY, ESQ.  
Attorney for Plaintiff  
ALFREDO NIEVES  
2125 Center Avenue, Suite 608  
Fort Lee, New Jersey 07024  
(201) 585-9300

391 E 149<sup>th</sup> Street, Suite 605  
Bronx, NY 10455

DOC. NO. 1

Defendants' addresses: JUSTIN J. ERVIN  
35 Meadowbrook Lane  
New Egypt, NJ 08533

PARTY RENTALS 4 U, LLC

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
ALFREDO NIEVES,

Plaintiff,

vs.

JUSTIN J ERVIN and PARTY RENTALS 4U,  
LLC,

Defendants.

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VERIFIED COMPLAINT

X

Plaintiff ALFREDO NIEVES, residing at 2148 Barnes Avenue, Apt 412, Bronx, New York, by his attorney, ALEXANDER UMANSKY, ESQ., as and for his Verified Complaint against the defendants in the above-entitled action, alleges upon information and belief as follows:

FIRST: That at all times hereinafter mentioned, the plaintiff was and still is a resident of the State of New York.

SECOND: That at all times hereinafter mentioned, the defendant was and still is a resident of the State of New York.

THIRD: That at all times hereinafter mentioned, defendant PARTY RENTALS 4U, LLC is a business entity doing business in the State of New York.

FOURTH: That at all times hereinafter mentioned, defendant JUSTIN J. ERVIN operated a certain motor vehicle, to wit: 2009 Ford bearing New Jersey license plate number XHZR44, on the streets of the Bronx.

FIFTH: That at all times hereinafter mentioned, defendant PARTY RENTALS 4U, LLC, owned, managed, maintained and controlled the said vehicle.

SIXTH: That at all times hereinafter mentioned, defendant JUSTIN J. ERVIN operated the said vehicle with the express and/or implied permission of its owner, defendant PARTY RENTALS 4U, LLC.

SEVENTH: That at all the times herein mentioned, 95I Cross Bronx Expressway, at or near the exit for Bronx River Parkway in the Bronx, County and State of New York, was and still is a public roadway in constant use by residents of the said County, State and others.

THIRTEENTH: That on or about the 2<sup>nd</sup> day of March 2021, the plaintiff was the operator of a motor vehicle travelling straight westbound in the right lane with the right of way looking forward on the aforementioned exit ramp.

FOURTEENTH: That on the date and time aforesaid, and at the location aforescribed, the defendant travelling at a high rate of speed suddenly and abruptly struck the rear driver's side of the plaintiff's vehicle with a heavy impact and left the scene, causing a collision, causing the plaintiff to sustain severe and serious injuries as hereinafter alleged.

FIFTEENTH: That the said collision was caused solely by the defendant's negligence, carelessness and recklessness.

SIXTEENTH: That the negligence, recklessness and carelessness of defendant consisted in operating, maintaining, managing and controlling their respective motor vehicles so as to cause same in the collision; causing a rear-end collision; in

following too closely; in failing to apply brakes in an acceptable manner; in failing to take those steps necessary to avoid the contingency which herein occurred; in breaching a duty to other motorists to operate the motor vehicle in a safe manner; in failing to keep the motor vehicle under proper control; in failing to operate the motor vehicle in a manner and at a speed that was reasonable and proper under the prevailing traffic conditions; in failing to properly keep and maintain the motor vehicle so as to prevent the contingency which herein occurred; in failing to properly operate the braking and acceleration devices of the motor vehicle under the circumstances of the roadway where the accident occurred; in failing to keep a proper lookout; in failing to stop and/or slow down; in violating the rules of the road; in failing to obey one or more traffic control device(s); in failing to exercise due and reasonable care and caution to avoid the occurrence complained of; and in violating pertinent rules, regulations, ordinances and statutes of the State of New York, and in other ways defendant JUSTIN J. ERVIN, was negligent, reckless and careless in the operation, management and control of defendant PARTY RENTALS 4U, LLC's motor vehicle.

SEVENTEENTH: That solely by reason of the negligence, recklessness and carelessness of the defendants, as aforesaid, the plaintiff was rendered sick, sore, lame, disabled and bruised; received serious permanent and severe injuries in and about diverse parts of her body; experienced great pain and suffering and continues to suffer from said injuries; was informed and verily believes said injuries to be of a permanent nature; and is and will be incapacitated for a long period of time; compelled to seek and did seek

medical aid, attention and treatment; will in the future need same; and was in other ways damaged.

EIGHTEENTH: That the plaintiff sustained a "serious injury" as defined in Section 5102 (d) of the Insurance Laws of the State of New York.

NINETEENTH: That solely by reason of the foregoing, the plaintiff has been damaged in the sum of ONE MILLION DOLLARS (\$1,000,000.00).

WHEREFORE, the plaintiff demands judgment against each defendant in the amount of \$1,000,000.00 together with interest, costs and disbursements of this action.

Dated: August 15, 2022



ALEXANDER UMANSKY, ESQ.  
Attorney for Plaintiff  
ALFREDO NIEVES  
2125 Center Avenue, Suite 608  
Fort Lee, New Jersey 07024  
(201) 585-9300

391 E 149<sup>th</sup> Street, Suite 605  
Bronx, NY 10455

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## VERIFICATION

State of New York}

} ss.:

County of Bronx}

I, ALFREDO NIEVES, the undersigned, state that I have read the foregoing Complaint and that the same is true to my knowledge and belief except that as to matters stated upon information and belief, I believe them to be true.

Dated: August 15, 2022

ALFREDO NIEVES

Sworn to before me  
on this 15<sup>th</sup> day of August 2022

NOTARY PUBLIC BELLADOMENSKAYA  
NOTARY PUBLIC OF NEW JERSEY  
My Comm. Expires 08/24/2023  
No. 50090685